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**JUN 30 2006**

**OFFICE OF PETITIONS**

In re Application of :  
Ayala et al. :  
Application No. 09/909,686 :  
Filed: July 20, 2001 : ON PETITION  
Title of Invention: :  
METHOD FOR DYNAMICALLY :  
EVALUATING PROJECTED DAYS OF :  
SUPPLY OF INVENTORY LEVELS IN :  
A SUPPLY CHAIN :

This is a decision on the Petition to Withdraw Holding of Abandonment under 37 C.F.R. 1.181 (no fee), filed June 13, 2006. The delay in treating this petition is regretted.

The petition is **granted.**

Background

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 6, 2005. The Office action set a shortened statutory reply period of three (3) months, and provided for extensions of time under 37 CFR 1.136(a). No reply having been received, the application became abandoned January 7, 2006. A Notice of Abandonment was mailed June 2, 2006.

The instant Petition

Applicant files the instant petition wherein Applicant avers that a timely response to the Office action was filed. In support of this assertion, Applicant files a copy of the response and asserts that the copy includes, in relevant part, a certificate of transmission by facsimile; an Auto-Reply receipt with a date of February 6, 2006, and a petition for extension of time.

A review of the copy of the response to the Office action reveals that it included a Certificate Transmission by Facsimile dated February 6, 2006, executed by Sandy Yopp; however, no statement from Sandy Yopp has been included with the instant petition. See 37 CFR 1.8(b).

Applicant also includes a copy of an Auto-Reply Facsimile Transmission acknowledging receipt of 15 pages by this Office on February 6, 2006, which includes a copy of the Certificate Transmission by Facsimile dated February 6, 2006, executed by Sandy Yopp.

In view of the foregoing, the holding of abandonment is hereby withdrawn.

The copy of the Amendment in response to the Office action, re-filed with the instant petition, will be used for examination purposes.

No petition fee has been charged and none is due. The one (1) month extension of time fee has been charged to Applicant's deposit account.

The application file is being referred to Technology Center Art Unit 3627 for continued processing in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3232.



Derek L. Woods

Attorney

Office of Petitions